

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IRA YOUNG, *et al.*, §
§
Plaintiffs, §
VS. § CIVIL ACTION NO. 4:13-CV-2489
§
BANK OF AMERICA, N.A., *et al.*, §
§
Defendants. §

OPINION AND ORDER

Pending before the Court in the above referenced foreclosure action are (1) Defendants Bank of America N.A. and Mortgage Electronic Registration Systems, Inc.’s Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) (Doc. 4); (2) United States Magistrate Judge Frances Stacy’s Memorandum and Recommendation (“M&R”) that Defendants’ motion be granted and that Plaintiffs’ Original Petition be dismissed with prejudice (Doc. 16); and (3) Plaintiffs Ira Young and Janice Bass-Young’s Objections to the M&R (Doc. 17). Defendants did not file a response to Plaintiffs’ Objections.

After carefully considering the motion, the record, and the applicable law, the Court finds that the Magistrate Judge’s M&R is well reasoned and adopts it in full. The Court agrees with the Magistrate Judge that the documents submitted by Plaintiffs show an unbroken, facially valid chain of assignments. *See* Deed of Trust (Doc. 6, Ex. A); Assignment of Deed of Trust (Doc. 6, Ex. B); Foreclosure Sale Deed (Doc. 6, Ex. E). Further, the Court agrees with the Magistrate Judge that under *Reinagel v. Deutsche Bank Nat'l Trust Co.*, 735 F.3d 220 (5th Cir. 2013), Plaintiffs lack standing to challenge the validity of the assignment of their mortgage, and that *Martins v. BAC Home Loans Servicing, L.P.*, 722 F.3d 249, 255 (5th Cir. 2013) precludes Plaintiffs’ argument that Defendants have no standing to foreclose because they have not

established that either is the holder of the Note.

Plaintiffs' Objections are general, meritless, and fully addressed in the reasoning of the M&R. Moreover, Plaintiffs' Objections repeatedly misquote and mischaracterize both the M&R and law upon which they rely. As such, the Court need not address them. *See Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) ("Frivolous, conclusive, or general objections need not be considered by the district court.").

Accordingly, it is hereby

ORDERED that Defendants' Motion to Dismiss (Doc. 4) is **GRANTED** and Plaintiffs' Original Petition is **DISMISSED** with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).

SIGNED at Houston, Texas, this 19th day of August, 2014.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE